

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

JERAD PATTERSON,

Plaintiff,

vs.

AMBASSADOR, CITY OF
MISSOULA,

Defendant.

CV 20–95–M–DLC

ORDER

Before the Court is the Findings & Recommendation of United States Magistrate Judge Kathleen L. DeSoto. (Doc. 6.) Judge DeSoto recommends that the Court dismiss Plaintiff Jerad Patterson’s complaint (Doc. 2) for failure to state a claim and for lack of federal jurisdiction (Doc. 6). She goes on to recommend that the Court certify that any appeal would not be taken in good faith. (Doc. 6 at 2.) Patterson does not object.

Absent objection, the Court reviews for clear error. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error review is “significantly deferential” and exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

As Judge DeSoto explained in a previous order, Patterson's complaint is devoid of any facts that explain the right he seeks to vindicate or the relief he requests. (*See* Docs. 2, 4.) Furthermore, although he asserts that his claim falls under the Court's federal question jurisdiction, he fails to point to any federal statute, treaty, or constitutional provision; instead he simply says he was harassed and that his rights were "refus[ed]." (Doc. 2 at 3.) The Court agrees with Judge DeSoto that, as alleged, it cannot exercise jurisdiction over Patterson's unspecified claim. (*See* Doc. 4 at 2–3.) And he fails to set out sufficient facts to plausibly state a claim even if it could. (*Id.*) Judge DeSoto offered Patterson the opportunity to plead additional facts to help the Court understand his case, but Patterson remained silent. (Doc. 4 at 3.)

Accordingly, reviewing for clear error, IT IS ORDERED that the Court ADOPTS Judge DeSoto's Findings and Recommendation (Doc. 6) IN FULL. Consequently, IT IS ORDERED that Plaintiff Jerad Patterson's complaint (Doc. 2) is DISMISSED for lack of federal jurisdiction and failure to state a claim.

IT IS FURTHER ORDERED that, pursuant to Fed. R. App. P. 24(a)(3)(A), the Court CERTIIFIES that any appeal from this disposition would not be taken in good faith.

DATED this 14th day of September, 2020.

A handwritten signature in blue ink, reading "Dana L. Christensen". The signature is written in a cursive style with a large initial "D".

Dana L. Christensen, District Judge
United States District Court